REMARKS

This application has been reviewed in light of the Office Action dated November 13, 2003. Claims 1-14 are presented for examination. Claims 15-27 were cancelled previously in response to a restriction requirement. Favorable reconsideration is requested.

Applicant again notes with appreciation the indication that Claims 8-11 and 14 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. The latter claims have not been so rewritten because, for the reasons given below, their base claim is believed to be allowable.

Claims 1-7, 12 and 13 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent No. 6,118,369 ("Boesch") in view of U.S. Patent No. 6,397,670 ("Dufournier").

The Examiner cites column 8, lines 32-43 of Dufournier as purportedly disclosing calculation of a quantity characteristic of the dispersion of measured signals. The cited portion actually discusses calculating the frequencies of n first harmonics of the frequency of rotation of vehicle tires, calculating the vibrational energies of n narrow frequency bands centered on the first n harmonics, and figuring, if necessary, the total of the three maximum energies to determine a criterion. Moreover, as stated in the Declaration under 37 C.F.R. § 1.132 filed herewith, this portion of Dufournier is the work of Applicant and therefore is not "by another," as required by 35 U.S.C. § 102(e)[1]. Accordingly, the cited portion does not qualify as prior art under 35 U.S.C. § 102(e)/103, and the rejection should be withdrawn. See M.P.E.P. § 2136.05.
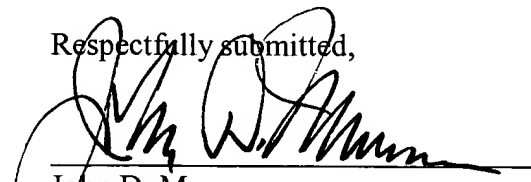
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[1] It is assumed that Dufournier is being cited as prior art under 35 U.S.C. § 102(e)/103, because it does not qualify under any other section of 35 U.S.C. § 102.

As there are no other grounds of rejection, Applicant respectfully submits that all of the pending claims are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorneys may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

                                 :   Examiner: Jermaine L. Jerkins

ARNAUD DUFOURNIER   )

                                 :   Group Art Unit: 2855

Application No.: 09/754,981   )

                                 :

Filed: January 5, 2001   )

                                 :

For: METHOD AND SYSTEM OF   )
       DETECTION OF A RUN-FLAT
       CONDITION OF A TIRE; INSERTS,)
       WHEELS AND TIRES DESIGNED FOR :
       SUCH METHOD AND SYSTEM   )

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132
OF MR. ARNAUD DUFOURNIER

ARNAUD DUFOURNIER, declares and says that:

1.   I was employed by Manufacture Française des Pneumatiques

Michelin between January 21, 1994 and September 25, 1999. Before leaving this

employment, I held the position of Research Engineer.

2.   I received a Bachelor's degree in Engineering from Ecole

Nationale Supérieure d'Electronique et Radioélectricité de Grenoble (ENSERG),

France in July 1992. I am the inventor of the subject matter described and claimed in

the above-identified application.

3.   I am familiar with the prosecution history of the present

application. I have carefully reviewed the Examiner's position as set forth in the Office

Action mailed November 13, 2003, wherein claims 1-7, 12 and 13 were rejected under

35 U.S.C. § 103 as unpatentable over U.S. Patent 6,118,369 to Boesch in view of U.S.

Patent 6,397,670 to Dufournier et al. ("the '670 patent"). I am one of the inventors of the '670 patent.

4.   In making the rejection discussed above, the Examiner cited column 8, lines 32-43 of the '670 patent as purportedly disclosing calculation of a quantity characteristic of the dispersion of measured signals. The cited portion actually discusses calculating the frequencies of n first harmonics of the frequency of rotation of vehicle tires, calculating the vibrational energies of n narrow frequency bands centered on the first n harmonics, and figuring, if necessary, the total of the three maximum energies to determine a criterion. I unequivocally state that I am the inventor of this subject matter.

5.   To summarize, the portion of the '670 patent being relied upon to reject the claims of my current application is, in fact, my own work.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Subscribed this _11th_ day of _May_____, 2004.

_____
Mr. Arnaud Dufournier